

# BULLETIN

OF THE

## ESSEX INSTITUTE.

VOL. 3.      SALEM, MASS., NOVEMBER, 1871.      No. 11.

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REGULAR MEETING, MONDAY, NOVEMBER 6, 1871.

THE President in the chair. Records read.

The SECRETARY read the following letter from Dr. William Stimpson, secretary of the Chicago Academy of Science, addressed to Vice President F. W. Putnam.

CHICAGO, Oct. 26, 1871.

I have just received your very kind letter of the 19th inst. Our postal delivery is deranged on account of the fire, in which the post-office did not escape. I have also received Packard's letter and that of the Secretary of the Institute. I am on the point of starting for the East, and have only time to write a line of thanks for them. When I get to Maryland I will answer them in full. We have held one meeting since the fire, and the copy of resolutions of the Essex Institute arrived in time for it. The Academy is going on, although we are obliged to commence at the very beginning again, but we are greatly encouraged by the offers of aid received from all sides.

With many thanks for your own kind offers I remain,  
Very sincerely yours,      WM. STIMPSON.

Letters were also read from the following :—

American Congregational Association, Oct. 21; Berlin Akklimatisations Verein, June 20; Brunn, Naturforschende Verein, May 31; Buffalo Historical Society, Oct. 27; Chemnitz, Naturwissenschaftliche Gesellschaft, June; Danzig, Naturforschende Gesellschaft, June 24; Freiburg, Naturforschende Gesellschaft, May 12; Kjobenhavn, K. Danske Videnskabernes Selskab, Sept. 14; Massachusetts Horticultural Society, Oct. 28; New England Historic-Genealogical Society, Oct. 28; New York Genealogical and Biographical Society, Oct. 20, 21; New York Historical Society, Oct. 28; New York Lyceum of Natural History, Oct. 30; Riga, Naturforschende Verein, May 19-31; Wiesbaden, Nassauischen Vereins fur Naturkunde, May 1; Hanaford, P. A., New Haven, Oct. 25; Hough, F. B., Lowville, Oct. 25.

The LIBRARIAN reported the following additions:—

*By Donation.*

BOLLES, E. C. Catalogue of Officers and Students of Tufts College, 1871-72. Record of Lockwood's New Academy, Sept. 1871.

FOOTE CALEB. Files of several county papers for Aug., Sept., Oct. 1871.

GREBLE, EDWIN, of Philadelphia, Penn. Memoir of Lieut.-Col. John T. Greble of U. S. Army. 1 vol. 4to. Phila. 1870. (Printed for private circulation.)

GREEN, S. A., of Boston. Miscellaneous pamphlets, 16.

HOLMES J. C., of Detroit, Mich. Constitution and By-laws of the Audubon Club in Detroit. 16mo pamph.

JOHNSON, THOMAS H. The Life of Joice Heth. 12mo pamph. New York. 1835.

LEE, JOHN C. Commercial Bulletin for Oct, 1871.

PHILLIPS, WILLARD P. Agriculture of Massachusetts, by C. L. Flint. 1 vol. 8vo. Boston. 1870-71. Reports on the Statistics of Labor. 1871. 1 vol. 8vo. Railroad Commissioners' Report, 1870. 1 vol. 8vo. Thirty-fourth Annual Report of the Board of Education. 1 vol. 8vo. Manual for the General Court, 1871. 1 vol. 12mo. Miscellaneous pamphlets, 4.

SMITH, Mrs. GEO. H. Martyrs, 2 vols. 4to. New York, 1794. History of American Missions, 1 vol. 8vo. Christian Spectator, 3 vols. 8vo. Essays on a Congress of Nations, 1 vol. 8vo. Missionary Herald, 1 vol. 8vo. Ely's Contrast, 1 vol. 8vo. Christian Researches, 1 vol. 12mo. Indian Wars, 1 vol. 12mo. Missionary Gazetteer, 1 vol. 12mo. Life of Whitefield, 1 vol. 12mo. Carpenter's Geography, 1 vol. 12mo. Life of Philip Henry, 1 vol. 12mo. Life of Coustos, 1 vol. 12mo. History of Andover, 1 vol. 12mo. The Assembly's Digest, 1 vol. 12mo. Anti-Slavery Manual, 1 vol. 16mo. Salem Directories, 1842, 1846, 1850, 1851, 1855, 1859. 6 vols. 12mo. Flavius Josephus, 1 vol. folio. Missionary Herald, 74 nos.

SPOONER, THOMAS, of Cincinnati, Ohio. Memorial of William Spooner, and of his descendants, 1637 to 1871. 1 vol. 8vo. (Private Edition.)

WALKER, Francis, of London. Notes on Chalcidæa, 12mo pamph. List of Hymenoptera, 12mo pamph.

*By Exchange.*

AKKLIMATISATIONS VEREIN IN BERLIN. Zeitschrift für Acclimatisation, Yahrg VIII, 1870. Nos. 1-12. Yahrg IX, 1871, Nos. 1-5. 3 pamphs. 8vo.

BOSTON PUBLIC LIBRARY. Bulletin for Oct., 1871. 8vo pamph.

CROSSE ET FISCHER. Journal de Conchyliologie. Tome X, No. 4. 1870.

DET KONGELIGE NORSKE UNIVERSITET I CHRISTIANIA. Forhandlinger i. Videnskabs Selskabet i Christiania, Aar, 1869, 1870, 8vo pamphs. Det Kongelige Norske Frederiks Universitets Aars beretning for Aaret 1869, 1870. 8vo pamphs. Index Scholærum, 4to pamph. Le Nèvè De Justidal et Ses Glaciers par C. de Sene. 4to pamph. Lymphekjertlernes Anatomi af G. Armaner Haansen, 4to pamph. Omeni Sommeran, 1869, foretagen entomologisk Reisse af H. Siebke. 8vo pamph. Magnetiske Underspgelser foretagen i 1868 af E. A. H. Sinding, 8vo pamph.

LITERARY AND HISTORICAL SOCIETY OF QUEBEC, Transactions of, 1870-71. New Series, Part VIII, Quebec, 1871. 8vo pamph.

NASSAUISCHEN VEREINS FÜR NATURKUNDE OF WIESBADEN. Jahrbücher Jahrg XXIII, XXIV. 1 vol. 8vo. Wiesbaden, 1869-70.

NATURFORSCHENDE GESELLSCHAFT IN DANZIG. Schriften, Neue Folge, Band II. Heft 3, 4. Danzig. 1871.

NATURFORSCHENDE GESELLSCHAFT IN FREIBURG, BADEN. Berichte über die Verhandlungen. Bd. V, Heft 3, 4. 1871.

NATURFORSCHENDE VEREIN IN BRUNN. Verhandlungen, Band VIII, Heft 1-2, 2 pamphs. 8vo.

NATURFORSCHENDER VEREIN IN RIGA. Arbeiten, Heft, 3, 4. 1870-71.

NATURWISSENSCHAFTLICHEN GESELLSCHAFT IN CHEMNITZ. Dritter Bericht, 1868-70. 8vo pamph.

NEW ENGLAND HISTORIC-GENEALOGICAL SOCIETY. Register for Oct., 1871.

NEW YORK GENEALOGICAL AND BIOGRAPHICAL SOCIETY. Genealogical and Biographical Record. Vols. 1, 2. 1870-71.

PHYSIKALISCH-MEDICINISCHE GESELLSCHAFT IN WURZURB. Verhandlungen der Physikalisch Medicinische Gesellschaft in Würzurb, Herausgegeben von der Redactions. Commission der Gesellschaft, Neve Folge, Band II. Heft 1-2. 8vo.

SOCIETY VAUDAISE DES SCIENCES NATURELLES IN LAUSANNE. Bulletin, Vol. x. No. 63. 8vo. pamph.

PUBLISHERS. American Chemist. American Literary Gazette. American Naturalist. Christian World. Gardener's Monthly. Gloucester Telegraph. Hardwicke's Science Gossip. Haverhill Gazette. Historical Magazine. Land and Water. Lawrence American. Little Giant. Lynn Reporter. Lynn Transcript. Medical and Surgical Reporter. Nation. Nature. Pavilion. Peabody Press. Silliman's Journal. Quaritch's Catalogue. Salem Observer.

The following donations to the Historical Department were announced:—

S. A. CHEVER, of Melrose, Engraving of the Pickman House on Essex Street as it appeared in 1830.

T. J. DREER, of Philadelphia, Fourteen engraved portraits of eminent Americans.

THOMAS H. JOHNSON, Several engravings of Baptist ministers.

CHARLES OSGOOD, Picture of Capt. Billop's house at Bently, Staten Island.

Mr. F. W. PUTNAM exhibited a fine head of a male American Buffalo or Bison (*Bos Americanus*), which had recently been received from David Augustus Chever, Esq., of Denver City, Colorado, a donation to the museum; and offered some remarks upon its habits and range. The Buffalo formerly roamed over nearly the whole area of the United States; more recently it has been limited to the prairies between the Missouri and the Rocky Mountains, where it is seen in herds of several thousands, blackening the plains as far as the eye can view; with the advance of civilization, it will become yet more restricted, and finally it will retreat to the fastnesses of the mountains, where it may for some years linger.

Mr. F. W. PUTNAM occupied the greater part of the

evening with a lecture on the prehistoric inhabitants of this country, known under the general name of the "Mound Builders."

After stating the conclusions reached by Squier, Davis, Haven, Wilson, Lubbock, Whittlesey, Foster, Newberry, Jones and others, and his own views derived from a careful comparison of the facts that had been gradually ascertained, and calling attention to the different views that had been presented relating to the origin, course of migration, and decay of the mound building race; he called special attention to the large number of fortifications and fortified towns that had been discovered in various parts of the country, from New York and Pennsylvania west to the Wabash River and in the Mississippi Valley south to Tennessee; and gave an account of a recent examination he had made of an

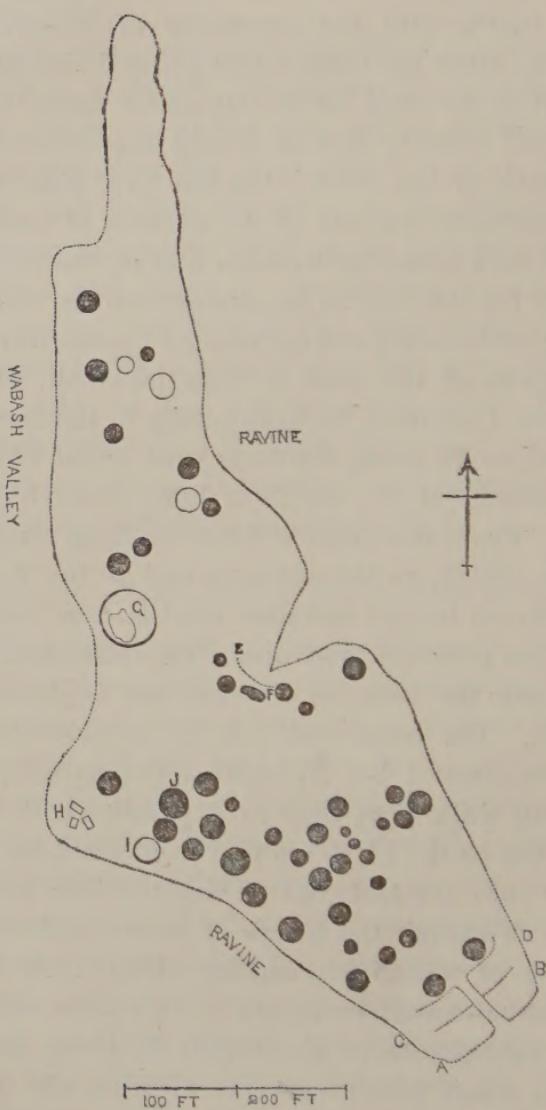
#### ANCIENT FORTIFICATION ON THE WABASH RIVER.

After the adjournment of the Indianapolis meeting of the American Association for the Advancement of Science in August last, it was his good fortune to be able to take advantage of the kind offer of Prof. Cox, State Geologist of Indiana, to make an examination of an ancient earth work at Merom, Sullivan Co., Ind., which had been christened "Fort Azatlan" by Mr. John Collett, Assistant of the Survey, and is so designated on the geological map of the County. Accompanied by Messrs. Cox, Collett, Cooke and Emerton, and provided with free passes over the Terre Haute and Indianapolis, and the Evansville and Crawfordsville Railroads, by the open-handed liberality of the officers of the roads; and cordially entertained and greatly assisted by T. Kearns, Esq., President Holmes, the Doctors Harper and other kind friends in Merom; he was able to make a partial examination of

the earth work, of which the following engraving, prepared from a large plan made by Mr. J. H. Emerton, from plottings taken with the assistance of Messrs. Kearns and Collett, gives the outline and general character.

The fort is situated on a plateau of loess, about one hundred and seventy feet in height above low water, on the east bank of the river. On the river side, the bank, which principally consists of an outcrop of sandstone, is very steep, and forms the western line of the fortification, while deep ravines add to its strength on the other sides ; the weak points being strengthened by earth works. The general course of the work is from the north, where it is very narrow (not over 50 feet) owing to the formation of the plateau, south along the river bank about 725 ft. to its widest portion (at *H*) which is here about 375 ft. east and west. From this point it follows a deep ravine southerly about 460 ft. to the entrance end of the fort. The bank traversed by the entrance road is here much wider than at other portions, and along its outer wall, running eastward, are the remains of what was evidently once a deep ditch. The outer wall (*A, B*) is about 30 ft. wide and is now about 1 1-2 ft. high ; a depressed portion of the bank, or walk way, then runs parallel with the outer wall, and the bank (*C, D*) is then continued for about 20 ft. further into the fort, but of slightly less height than the front. Through the centre of these banks there are the remains of a distinct roadway about 10 ft. in width.

From the northeastern corner of this wide wall the line continues northwesterly about 350 ft. along the eastern ravine to a point where there is a spring and the ravine makes an indenture of nearly 100 ft. to the southwest. The mouth of the indenture is about 75 ft. in width and the work is here strengthened by a double embankment (*E, F*). The natural line of the work follows this inden-



Fort Azatlan, on the Wabash River at Merom, Ind.

ture and then continues in about the same northerly course along the banks of the ravine, to the narrow portion of the plateau about 550 ft. to the starting point.

There is thus a continued line, in part natural and in part artificial, which if measured in all its little ins and outs would not be far from 2450 ft.

Besides the spring mentioned as in the indenture of the eastern ravine, there is another spring in the same ravine about 175 ft. to the north of the first, and a third in the southwestern ravine about 125 ft. to the west of the southwestern corner of the work.

Looking at all the natural advantages offered by this location it is the one spot of the region, for several miles along the river, that would be selected to-day for the erection of a fortification in the vicinity, with the addition of the possession of a small eminence to the north, which in these days of artillery would command this fort. Having this view in mind a careful examination was made of the eminence mentioned, to see if there had ever been an opposing or protective work there, but not the slightest indication of earth work fortification or of mounds of habitation was discovered. Though some five or six miles up the river on the Illinois side, at Hutsonville, a large group of some fifty-nine mounds of habitation were investigated, about which more will be said at another time.

The interior of this fortification contains much of interest and its history may yet be in part made out by a more extended examination than it was possible to make during the few days given to its exploration.

On crossing the outer wall a few low mounds are at once noticed, and all around are seen large circular depressions. At the southern portion of the fort these depressions, of which there are forty-five in all, are most numerous, thirty-seven of them being located south of a line

drawn from *E* on the northern side of the indenture of the eastern ravine to the projecting extreme western point of the fort at *H*.

These depressions vary in width from ten to twenty-five or thirty feet, and are irregularly arranged, as shown by the accompanying engraving, where they are represented by the black circles. One of the six depressions opposite the indenture of the eastern ravine is oval in shape, and is the only one that is not nearly circular, the others varying but a foot or two in their diameters.

Two of these depressions were dug into and it was found that they were evidently once large pits that had gradually been filled by the hand of time with the accumulation of vegetable matter and soil that had been deposited by natural action alone. In some instances large trees are now growing in the pits and their many roots make digging difficult. A trench was dug across one pit (*J*) throwing out the soil carefully until the former bottom of the pit was reached at a depth of about five feet. On this bottom ashes and burnt clay gave evidence of an ancient fire, and at a few feet on one side several pieces of pottery, a few bones of animals, and one stone arrowhead were found. A spot had evidently been struck where food had been cooked and eaten, and though there was not time to open other pits there is no doubt but that they would tell a similar story, and the legitimate conclusion to be drawn from the facts is that these pits were the *houses* of the inhabitants or defenders of the fort, who were probably further protected from the elements, and the arrows of assailants, by a roof of logs and bark or boughs. The great number of the pits would show that they were for a definite and general purpose and their irregular arrangement would indicate that they were not laid out with the sole idea of acting as places of defence, though those near

the walls of the fort might answer as covers from which to fire on an opposing force beyond the walls, and the six pits near the eastern indenture, in front of three of which there are traces of two small earth walls, and the two commanding the entrance of the fort, would strengthen this view of the use of those near the embankment.

In many of the ancient fortifications that have been described by Mr. Squier and others, pits have been noticed, but they have been only very few in number and have been considered as places for the storage of food and water. The great number in this small earthwork, with the finding that one at least was used for the purpose of cooking and eating food, is evidence that they were for some other purpose here, though some of the smaller ones may have answered for storehouses.

The five small mounds were situated in various parts of the enclosure. The largest (*G*) was nearly fifty feet in diameter and was probably originally not over ten feet in height. It had been very nearly dug away in places, but about one-fifth of the lower portion had not been disturbed. From this was exhumed one nearly perfect human skeleton and parts of several others that had been left by former excavators. This mound also contained several bones of animals, principally of deer, bear, opossum and turtles; fragments of pottery, one arrowhead, a few flint chips, and a number of thick shells of unios, two of which had been bored near the hinge. This mound has yielded a number of human bones to the industry of Dr. H. Frank Harper who has furnished a description of them which will be included in an article to appear in the *Naturalist*.

The second mound (*I*) which was partly opened, was some twenty-five feet in diameter and a few feet in height, though probably once much higher. In this a number of bones of deer and other animals were found, several

pieces of pottery, a number of shells and a few human bones. The other three mounds, one of which is not over ten or twelve feet in diameter and situated the furthest to the north, were not examined internally.

The position of all the mounds, within the enclosure, which are indicated by the white circles on the cut, is such as to suggest that they were used as observatories, and it may yet be questioned if the human and other remains found in them were placed there by the occupants of the fort, or are to be considered under the head of *intrusive* burials by a later race. Perhaps a further study of the bones may settle the point. That two races have buried their dead within the enclosure is made probable by the finding of an entirely different class of burials at the extreme western point of the fortification, indicated on the engraving by the three quadrangular figures at *H*. At this point Dr. Harper, the year previous, had discovered three stone graves, in which he found portions of the skeletons of two adults and one child. These graves, the stones of one being still in place, were found to be made by placing thin slabs of stone on end, forming the sides and ends, the tops being covered by other slabs, making a rough stone coffin in which the bodies had been placed. There was no indication of any mound having been erected, and they were placed slightly on the slope of the bank. This kind of burial is so distinct from that of the burials in the mound, that it is possible that the acts may be referred to two distinct races who have occupied the territory successively, though they may prove to be of the same time and simply indicate a special mode adopted for a distinctive purpose.

The short time given to the examination of this interesting work left many important points unsettled, and since his return the relics discovered have not been looked at.

At a future meeting Mr. Putnam trusted to be able to give a more decisive opinion on several points, after a careful study of the specimens shall have told their story so far as it can be read from old bones and broken pottery.



QUARTERLY MEETING, WEDNESDAY, NOVEMBER 8, 1871.

President in the chair. Records read.

Rev. E. C. Bolles was added to the Lecture Committee, and Mr. G. D. Phippen to the Publication Committee.

S. W. Arrington, of Salem, was elected a member.



REGULAR MEETING, MONDAY, NOVEMBER 20, 1871.

The President in the chair. Records read.

The SECRETARY announced the following correspondence :—

From Philadelphia Library Company, Nov. 11; Keene Natural History Society, Nov. 10; J. H. Emerton, Providence, R. I., Nov. 13; James P. Franks, Salem, Nov. 7; B. Perley Poore, Indian Hill Farm, Nov. 11; S. Salisbury, Worcester, Nov. 13.

The LIBRARIAN reported the following additions :—

*By Donation.*

BUSWELL, E. W., of Boston. Miscellaneous pamphlets, 20.

COGSWELL, WM. Report on the Statistics of Labor in Mass. 1871. 1 vol. 8vo. Marine Insurance Report. 1870, 1871. 2 vols. 8vo. Report on the Statistics of Labor in 1871. 2 vols. 8vo. Ceremonials at the Unveiling of the Statue of Gov. John A. Andrew, Feb. 14, 1871. 10 copies. Massachusetts State Documents for 1870, 1871. Report of the Commissioners on Inland Fisheries. Jan., 1871. 8vo pamph. Miscellaneous pamphlets, 7.

DORCHESTER, D. Catalogue of Officers and Students of Middlebury College, 1871-72. Catalogue of Officers and Students of Tufts College, 1870-71.

FRANKS, J. P. History of Pennsylvania Volunteers, by S. P. Bates. 4 vols. 8vo.

GILLAN, JOHN. British Shipmasters' Guide. 1 vol. 8vo. Bowditch Navigator. 1 vol. 8vo. Blunt's Coast Pilot. 1 vol. 8vo. Miscellaneous pamphlets, 14.

KIMBALL JAMES. Salem Directories, 1866, 1869. 2 vols. 8vo. Report on Prisons and Prison Discipline. 8vo pamph. Report of the School Committee of Salem, Jan., 1868.

MORSE, E. S. Remarks on the Adaptive Coloration of Mollusca by donor. 8vo pamph. Remarks on the Relations of Anomia, by donor. 8vo pamph.

PALFRAY, C. W. Miscellaneous pamphlets, 9.

POORE, B. PERLEY, Washington, D. C. Syracuse Directory, 1857. 1 vol. 8vo. N. E. Mercantile Directory, 1849. 1 vol. 8vo. Gazetteer of the St. Joseph Valley, 1 vol. 8vo. Cincinnati in 1851. 1 vol. 8vo. Boston Directory, 1847-8. 1 vol. 8vo. Washington and Georgetown Directory for 1860. 1 vol. 8vo. Affleck's Calendar and Annals for 1851. 1 vol. 12mo. National Calendar and Annals of U. S., 1831, 1832, 1833. 3 vols. 12mo. Register of Officers and Agents in U. S., 1820. 1 vol. 12mo. Newburyport Directories, 1851, 1852. 2 vols. 12mo. Boston Almanac. 1850. 1 vol. 16mo. Almanacs, 75. Congressional Directories, 19 nos. Navy Register, 4 nos. Army Register, 4 nos. Miscellaneous pamphlets. 7.

WALKER, FRANCIS L., of London. Notes on Chalcidæ. Parts III. IV. 2 pamphs. 8vo.

WASHINGTONIAN HOME. Report for 1871. 8vo pamph.

*By Exchange.*

BIBLIOTHÈQUE UNIVERSELLE ET REVUE SUISSE. Archives des Sciences physiques et naturelles. Nos. 164, 165. 8vo pamph. Genève. 1871.

MARYLAND HISTORICAL SOCIETY. The First Steamboat Voyage on the Western Waters. By J. H. B. Latrobe. 8vo pamph.

PROVIDENCE ATHENÆUM. Report of the Directors of Sept. 25, 1871. 8vo pamph.

SOMERSETSHIRE ARCHAEOLOGICAL AND NATURAL HISTORY SOCIETY IN TAUNTON, ENGLAND. Proceedings of, 1870. 8vo pamph.

PUBLISHERS. American Literary Gazette. American Naturalist. Gloucester Telegraph. Haverhill Gazette. Ipswich Advance. Lawrence American. Little Giant. Lynn Reporter. Lynn Transcript. Our Dumb Animals. Nation. Nature. Peabody Press. Salem Observer.

The following donations to the Historical Department were reported.

BOLLES, E. C. Plan of Chicago, showing the burnt district.

GILLAN, JOHN. Miscellaneous Charts. 30.

TRASK, W. B., of Dorchester. View of the Trask House, Boston St., taken October, 1871. Miscellaneous Charts, 8.

**LITTLE AUK.**

The PRESIDENT mentioned that among the recent additions to the museum were several specimens of the Little Auk (*Mergulus alle*) which were found at Middleton, Hamilton, Salem and other places, driven inland by the gale of the Wednesday preceding; this storm was considered the most severe, and the tide the highest, of any since April, 1851. Some of the above specimens were exhausted by buffeting weather and fatigue, so that they

were easily taken by the hand. We learn by the newspapers that specimens of this bird were found at Lowell, Dracut, Lawrence, Haverhill, Gloucester, Rockport, Sudbury, Concord and many other localities. This little bird known to the mariners as the "Greenland Dove," from its quaint resemblance to that family of birds, is a dweller in the Arctic Circle, seldom proceeding far from those desolate and glacial regions except when accidentally driven by severe storms. Occasionally, specimens are found on the coast in the wintry season. It may be considered a rare occurrence to observe them in such numbers and extending over so large a territory.

Mr. A. C. GOODELL, JR., gave a sketch of the progress of legislation, through the period between the arrival of the charter of the province of Massachusetts Bay, in 1692, and the adoption of the Constitution in 1780.

After briefly alluding to the colonial charter, and the laws and jurisprudence of the colony, and recalling the prominent political events of that period as described by Mr. Upham in his address to the Institute at the meeting of April 5, 1869, he proceeded to show that a great change, both in laws and manners, took place here shortly after the new charter went into operation. Then fashions in dress began to be copied from the French; music began to be cultivated; domestic comforts and luxuries were increased; assemblies for secular purposes and amusements were more open and frequent; the barriers of rank were broken; the current secular literature of England began to receive general attention; newspapers appeared, and the printing press was put to more general use. The public mind began to lose something of the absorbing interest it had formerly manifested in theological speculations, and was turned to the consideration of the problems of

trade, the right of liberty of conscience, freedom of speech and of thought, and improvements in agriculture, the mechanic arts and architecture: so that, in short, the issues which had excited the warmest controversies, and had drawn general attention in colonial times, were nearly forgotten in the new and more practical differences respecting matters of social and political economy, culminating finally in the one great issue of independence of the British Crown.

Whoever supposes that the idea of American independence, and the steps for securing that end were first devised by the patriots of the revolutionary period, makes a great mistake. The steps towards independence were many, and can be traced throughout our provincial history back into colonial times; but, during the existence of the Province charter they were firmly and openly made long before most of the heroes of the Revolution were born.

The organization of the legislature under the Province charter, which now consisted of two distinct bodies instead of one general assembly, as formerly, led, naturally, to the adoption of our present legislative system:—the governor having the power by that instrument to negative any bill which had passed the house and council in concurrence.

The rights and functions of these several branches, under the charter, were fruitful topics of discussion in the assembly and among the people, and many important points of our present constitutional law were developed by these discussions, which led, also, to the elucidation of and familiarity with parliamentary law and practice.

Some of these points were then explained, including the controversy respecting the right of the governor to negative the choice of a speaker of the House, and the

right of the House to adjourn itself without the governor's consent—which led to the explanatory charter of 1726—and the right of the legislature to fix the amount and the time of payment of the governor's salary, which the assembly succeeded in maintaining against the long-continued efforts of the Board of Trade and the Privy Council.

The interference of the Home government in the affairs of the province was next explained. By the terms of the charter all acts were to be sent to England for the Royal approval or disallowance, and under this provision the Home government claimed and exercised a power which, in the course of time, became intolerable to the people of the Province. Many suggestions and decisions of the Board of Trade and of the Privy Council were, nevertheless, wise; and to their interference we are indebted for much of the toleration that characterizes the later laws and manners of provincial times, as well as the defeat of some disastrous financial schemes, the checking of bigotry and superstitious tendencies, the rejection of some narrow and injurious commercial theories, and something of personal liberty.

The laws of the province being thus submitted to the Crown for rejection or approval received the attention of the best minds in England. As expounders of our constitutional rights under the charter, and as critics and guides of the legislation and political economy of this little community, such names as Lord Chancellor Somers, the father of the British Constitution, Locke, the philosopher, Joseph Addison, the English Atticus, and Matthew Prior, the poet, appear in the list with Lords Raymond, Hardwicke, Talbot and Mansfield, and the many other eminent lawyers, statesmen and scholars who supported the throne as its ministers of state for the eighty

years or more before the Revolution: so that this province was well prepared not only to be the cradle of Independence, but to act as the guide and tutor of the young Federal Republic, called into existence by the force of its example, and nurtured by its care.

It is true that the witchcraft folly, one of the darkest events in our history, occurred after the provincial government was established; but this happened so soon after the old charter had been superseded, the actors in it having come to prominence under the old order of things, and being so wedded to the traditions of the past, that the whole delusion may with propriety be considered as the last terrible death-gasp of ancient superstition. One year later, and the repetition of such a tragedy had become impossible, and before that generation had passed away we find the people in church and legislature seeking to retrieve the injury done to the innocent victims of that mental epidemic.

A contrast was also drawn between the intolerance of the colonial government and the immunity from religious tyranny which the province charter guaranteed; but which was not fully secured until after a severe struggle. The efforts of the Quakers to bring about toleration were then described, beginning with the resistance of the towns of Dartmouth and Tiverton to taxation for the support of another sect, and ending with the acts passed during Belcher's term, and suggested by him, for which the Friends were grateful. The address concluded with a rapid sketch of the events which ended in the Revolution.